

REMARKS

Applicant has amended claims 1, 17, 18 and 19. Claims 1-25 are pending in this application. Applicant requests further consideration and examination in view of the amendments to the claims and the following remarks.

Amendments to the Specification

Applicant has amended the paragraph on page 9, at lines 3-17 of the Specification to correct the errors noted by the Examiner. In view of the amendments, Applicant would request that the Examiner's objection to the disclosure be withdrawn.

Rejection under 35 U.S.C. § 102 (Neubauer)

Claim 17 is rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,110,591 to Neubauer et al. (hereinafter "Neubauer").

It is well settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he elements must be arranged as required by the claim," see M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim," see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicants respectfully assert that the rejection does not satisfy these requirements.

Claim 17, as amended, requires a map stored in a memory defining the two or more region of interest segments and an image processing system connected to the camera and memory, and to receive and process only the image data associated with the region of interest segments defined by the map. The Examiner has asserted that Neubauer describes the limitations of claim 17. Applicant respectfully disagrees.

Neubauer describes a system and method that uses a camera to recognize markers on a printed circuit board. Abstract. The Examiner asserts that column 3, lines 61-67 of Neubauer describes an image processing system connected to the camera to receive and process only the image data associated with the region of interest segments. Office Action page 3. Applicant respectfully disagrees with the Examiner's characterization of Neubauer. Column 3, lines 61-67 describe how Neubauer uses the image capture device to detect a marker, if any within a region of interest. A template, preferably including the marker is used to compare against the captured image to determine if the marker is present. Column 3, lines 61-67 and column 4, lines 37-59. Nowhere does Neubauer limit the image processing to less than the field of view of the image capture device. The template cited by the Examiner is used only to compare the captured image against an image having the marker to be recognized present in the expected region of interest. Column, 4, lines 37-41. Where markers are of an irregular shape, or of varying position, a histogram based recognition process is used. Column 7, lines 15-22.

As Neubauer does not describe processing only the image data associated with the region of interest segments defined by the map, as required by claim 17, claim 17 is allowable over the rejection of record.

Applicant would note that the Burns reference (U.S. Patent No. 6,744,497) cited by the Examiner does describe that a first image is received and processed in its entirety, a region of interest is identified from the first full image, and only the region of interest for subsequent images is processed. Column 5, lines 6-16. However, Burns does not describe a map stored in a memory defining the two or more region of interest segments. As described by Burns, a single region of interest is determined after the processing of the first full image from the image capture device, and therefore, Burns does not include a map defining two or more regions of interest.

Applicant respectfully asserts that claim 17 is allowable over the rejection of record as well as the additional prior art cited by the Examiner in the Office Action.

Rejection under 35 U.S.C. § 103 (Neubauer)

Claims 1-4, 7-8, 11-16, and 18-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Neubauer.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *see* M.P.E.P. § 2143. Without admitting that any other criteria is satisfied, the Applicant respectfully asserts that the Examiner's rejection fails to satisfy the third criteria.

Claim 1, as amended, requires a memory storing a map identifying one or more pre-defined regions of interest within the field of view, said regions of interest corresponding to selected ones of the pixels within the image, and an access controller configured to retrieve the image data associated with only the selected pixels identified by the map. Claim 19, as amended, requires storing a map identifying selected ones of the pixels located in region of interest segments within the image, and retrieving image data corresponding only to the image and associated with the selected pixels using the map.

The Examiner has asserted that Neubauer describes all of the limitations of claim 1 and 19 except that Neubauer does not describe the use of an ROI map, but that with Neubauer's description of ROI histograms, it would have been obvious to associate the ROI histograms of Neubauer with the ROI maps of the present invention to cover irregularly shaped features.

Applicant would first note that claims 1 and 19 do not require irregularly shaped regions of interest as implied by the rejection.

Second, as described above with respect to claim 17, Neubauer does not describe retrieving image data associated with only the selected pixels defined in the map. Neubauer only describes processing all the pixels of an image looking for markers in regions of interest, in fact

the field of view of the image capture device is equated with the region of interest or ROI. Column 3, lines 56-64 (see line 58).

Finally, as described above, the templates/maps of Neubauer do not identify regions of interest as required by claim 1 and 19, but instead define an expected result if a captured image includes the desired marker. See, column 4, lines 37-59.

For these reasons the rejection of record does not describe each and every limitation of claims 1 and 19 as required under § 103. Claims 1 and 19 are, therefore, allowable over Neubauer. Claims 2-4, 7-8, 11-16, 18 and 20-25 depend from one of claims 1, 17 or 19 and are, therefore, allowable for at least the reasons described with respect to the relevant base claim.

Rejection under 35 U.S.C. § 103 (Neubauer in view of Burns)

Claims 5-6 and 9-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Neubauer in view of U.S. Patent No. 6,744,497 to Burns Jr. (hereinafter “Burns”).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *see* M.P.E.P. § 2143. Without admitting that any other criteria is satisfied, the Applicant respectfully asserts that the Examiner’s rejection fails to satisfy the third criteria.

Claims 5-6 and 9-10 depend from claim 1 and inherit all the limitations thereof. For the reasons described with respect to claim 1, therefore, claims 5-6 and 9-10 are allowable over the rejection of record.

Conclusion

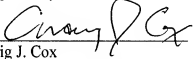
For the reasons described above, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 50-1078, under Order No. 10021082-1 from which the undersigned is authorized to draw.

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Respectfully submitted,

I hereby certify that this document is being Transmitted to the Patent and Trademark Office via electronic filing.

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